

## TECHNICAL COMMITTEE REPORT

**To:** Planning Commission

**From:** Technical Committee

**Staff Contacts:** Roberta Lewandowski, Director of Planning and Community Development, (425) 556-2447  
Jim Roberts, Assistant Director of Planning and Community Development (425) 556-2424  
Deborah Farris, Code Compliance Officer, Planning and Community Development (425) 556-2465

**Date:** October 5, 2005

**File Number:** L050349

**Recommended Action:** Adopt Alternative 1, amending the Redmond Community Development Guide, Section 20D.160.10-060 –Permitted Temporary Signs to:

- Limit the time, place and manner of the display of portable commercial signs in all zones.
- Clarify the definition of political signs.
- Limit the time, place and manner of the display of all on-premises and off-premises political signs.
- Prohibit the display of banners.
- Limit the display of free standing signs within residential zones.

**Reasons the Proposal should be Adopted:** The proposed amendments should be adopted because:

- The proposed amendments would minimize the aesthetic and traffic safety problems posed by portable signs that have proliferated since the United States District Court's permanent injunction against the City of Redmond's portable sign prohibition.

- The proposed amendments would expressly authorize the display of free standing and projecting signs within residential zones which is currently not addressed.
- The proposed amendments would afford equivalent regulatory treatment of all portable commercial and non-commercial signs on a content neutral basis.
- The proposed amendments would be a permanent replacement of the existing Emergency Interim Sign Ordinances.

## **I. APPLICANT PROPOSAL**

### **A. APPLICANT**

City of Redmond

### **B. REASON FOR PROPOSAL**

After holding a public hearing on September 6, 2005, the City Council adopted Ordinance No. 2268 (Exhibit A) which declared the continued existence of an emergency and extended the interim portable sign regulations, adopted by Ordinances 2253 (Exhibit B) and 2254 (Exhibit C), through December 13, 2005.

Unless renewed or replaced by permanent regulations, the interim regulations will expire on December 13, 2005 and there will be no regulations restricting the display of portable signs in the City of Redmond.

## **II. RECOMMENDATION**

The Technical Committee recommends amending the Community Development Guide as shown in Alternative 1 (Exhibit D). This continues the most restrictive legal approach to reducing the proliferation of temporary signs. Below is a brief summary of each of the proposed amendments.

**Alternative 1 combines the current Emergency Interim Sign Ordinances 2253 and 2254 with minor changes concerning the hours of display of portable signs and banners (Exhibit A).**

When Ordinances 2253 and 2254 are combined, this proposed ordinance restricts the number of all portable signs including portable commercial signs, portable construction signs and portable real estate signs. Portable signs are limited to a maximum of one (1) sign for each business location, construction project site or real estate unit offered for

sale or lease and may not exceed six (6) square feet per sign face. The display of these portable signs is currently restricted to the hours of 8:00 a.m. to 5:00 p.m. for all businesses. Alternative 1 has been modified so that all portable signs will be allowed to be displayed only when the commercial establishment to which they relate is open for business.

In all residential zones, the number of freestanding or projecting signs is restricted to one (1) per street frontage.

This proposed alternative also clarifies the definition of political signs and limits the time, place and manner of all on-premises and off-premises political signs.

**Alternative 2 regulates commercial, real estate and construction signs by zoning districts (Exhibit B).**

- (a) For all Urban Recreational (UR), Downtown (DT), Retail Commercial (RC), General Commercial (GC), Neighborhood Commercial (NC), Business Park (BP), Manufacturing Park (MP) and Industrial (I) zones, signs would be limited to the amount of permanent square footage for signs allowed by Section 20D.160.10-050 of the Community Development Guide (Exhibit G) with the addition of one (1) temporary sign.

Restrictions on portable signs in the above zones are the same in Alternative 2 as they are in Alternative 1. Portable signs are limited to a maximum of one (1) sign for each business location, construction project site or real estate unit offered for sale or lease and may not exceed six (6) square feet per sign face. All portable signs will be allowed to be displayed only when the commercial establishment to which they relate is open for business.

- (b) In residential zones RA, R-1, R-2, R-3, R-4, R-5 and R-6, no more than three (3) portable commercial, real estate or construction signs will be allowed for each business location, construction project site or real estate unit offered for sale or lease.
- (c) In residential zones R-8, R-12, R-18, R-20 and R-30, no more than one (1) portable commercial, real estate, or construction sign will be allowed for each business location, construction site or real estate unit offered for sale or lease. A maximum of one (1) portable sign will be allowed for multi-unit residential apartment or condominium complexes.

The number of freestanding or projecting signs would be restricted to one (1) per street frontage for all residential zones.

This proposed alternative also clarifies the definition of political signs and limits the time, place and manner of all on-premises and off-premises political signs.

**Alternative 3 regulates the number of portable signs based on whether the business is temporary or permanent (Exhibit C).**

Businesses that are permanent and operate at a fixed location with an indefinite duration would be limited to the amount of permanent square footage for signs allowed by Section 20D.160.10-050 of the Community Development Guide (Exhibit G) with the addition of one (1) temporary sign.

Portable signs are limited to a maximum of one (1) sign for each business location, construction project site, real estate unit, apartment or condominium offered for sale or lease and may not exceed six (6) square feet per sign face. All portable signs will be allowed to be displayed only when the commercial establishment to which they relate is open for business.

Businesses that are considered temporary with a limited and shifting duration would be allowed to display three (3) portable signs for each business location, construction project site or real estate unit offered for sale or lease and may not exceed six (6) square feet per sign face. All portable signs will be allowed to be displayed only when the commercial establishment to which they relate is open for business. Banners are prohibited.

The number of freestanding or projecting signs would be restricted to one (1) per street frontage.

This proposed alternative also clarifies the definition of political signs and limits the time, place and manner of all on-premises and off-premises political signs.

### **III. BACKGROUND**

On July 22, 2003 the City of Redmond's portable sign section of the Redmond Community Development Guide (RCDG) was challenged in court. In January 2004, the U.S. District Court issued a preliminary injunction against the continued enforcement of the City's portable sign prohibition. The court ruled that the ban on some commercial signs, but not others, was "more extensive than necessary" and therefore unconstitutional. This decision was upheld, and a permanent injunction was granted on June 15, 2004. Since the injunction, there has been a steady and significant proliferation of commercial portable signs throughout the City of Redmond.

In order to address this issue, City Council adopted Ordinance No. 2253 on March 15, 2005. This emergency interim ordinance limits the number of portable real estate signs, commercial signs and construction signs to one (1) six-square foot sign per business. These signs may only displayed between the hours of 8:00 a.m. and 5:00 p.m. This ordinance also clarifies the definition of political signs.

On March 22, 2005, a second emergency interim ordinance, No. 2254, was adopted. This ordinance clarifies the permissibility of displaying freestanding signs within residential zoning districts.

Ordinance No. 2253 and No. 2254 address aesthetics and safety issues while affording equal regulatory treatment of all portable commercial signs.

City Council held a public hearing on May 3, 2005 and chose to continue the interim sign regulations through September 15, 2005 and to refer these regulations to the Planning Commission for further review.

In response to the real estate industry's concern that one (1) portable real estate sign falls short of the number of signs perceived to be needed by those in the industry, City Council directed staff to draft a supportable ordinance that would address the real estate industry's concerns. These alternative approaches are provided as Alternatives 2 and 3.

After taking testimony at a Public Hearing at the September 6, 2005 City Council meeting, the emergency interim sign ordinances Nos. 2253 and 2254 were extended through December 13, 2005 unless sooner replaced by permanent regulation adopted by subsequent ordinance.

## **IV. ALTERNATIVES**

### **A. ISSUES CONSIDERED AND ALTERNATIVES**

#### **Primary Issues Considered:**

The City of Redmond's portable sign code, codified in 1997, treated real estate signs in a different manner than other commercial portable signs. Real estate for sale could display three (3) off premises signs, while all other commercial businesses could not display any. The District Court's order and judgment emphasized the lack of evidence to support that real estate signs had any less traffic and aesthetic impact than other types of portable signs found throughout the City of Redmond, and was the main basis for the Court's decision that the 1997 portable sign regulations were unconstitutional.

The primary issue to consider is to present sign regulations to the City Council that will regulate all portable signs equally and in a manner that promotes traffic safety and prevents visual clutter.

## **Alternatives:**

### **Do not adopt any of the proposed alternatives.**

Allow the emergency interim sign regulations (Ordinances 2253 and 2254) to lapse on December 13, 2005.

This would mean that the City would be without any regulations pertaining to portable, temporary, or off-premises signs and these signs could be located without any consideration for the traffic hazards or aesthetic clutter they create. The display of signs would most likely continue to proliferate steadily over time until a final decision as to the constitutionality of Redmond's original sign ordinance is handed down from the 9<sup>th</sup> Circuit Court of Appeals.

### **Adopt Alternative 1 (Exhibit A).**

If Alternative 1 is adopted, Ordinances 2253 and 2254 would become permanent, thereby allowing one (1) off-premise sign for each business, restrict the time, place and manner of the temporary signs and prohibit banners. The same restrictions would apply to all temporary signs being displayed.

### **Adopt Alternative 2 (Exhibit B)**

If Alternative 2 is adopted, it would allow one (1) temporary sign for each business in commercial zones. Because commercial zones already have high intensity uses and are allowed to display permanent signs, any significant increase in the allowable display of signs could become a traffic safety issue and affect the community's aesthetic quality.

Because residential areas do not have permanent signs nor the same high intensity uses as commercial zones, these zoning areas may be able to absorb the addition of three (3) temporary signs for commercial, construction or real estate, for sale or lease, without these signs becoming a significant traffic safety hazard or having an effect on the community's aesthetic quality.

### **Adopt Alternative 3 (Exhibit C)**

If Alternative 3 is adopted there would still be an increase in the number of signs being displayed in the City, and slightly more in business areas than in Alternative 2. However, these signs would, for the most part, be displayed in residential areas where temporary business sites (houses for sale) are most common.

Allowing signs for temporary businesses will assist consumers in locating a particular business, whereas permanent businesses already have permanent signs. Other kinds of temporary business are warehouse sales.

## **V. ANALYSIS**

### **A. EXISTING CONDITIONS**

Currently, the City of Redmond is operating under an Emergency Interim Sign Ordinance No. 2268 scheduled to expire on December 13, 2005 while awaiting a decision from the 9<sup>th</sup> Circuit Court of Appeals on the constitutionality of the Temporary Sign Section of the Redmond Community Development Guide's (RCDG) Sign Code. A recommendation from Planning Commission to City Council on the adoption of one of the proposed alternatives would give the City of Redmond a permanent Temporary Sign section of the RCDG. When the court has issued its decision, the Sign Code can be revisited and a determination made as to whether or not the newly adopted amendments are kept or replaced by the old sign code.

This will also give the Code Enforcement officers time to apply any new regulations, and give the Commission and Council feedback on which is more effective in achieving compliance throughout the City.

### **B. COMPLIANCE WITH CRITERIA FOR AMENDMENTS**

Redmond Comprehensive Plan Policies PI-16, LU-24 and LU-9 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan and Community Development Guide.

Items 1 through 6 apply to all proposed amendments. Items 7 through 10 apply when proposed amendments concern allowed land uses or densities, such as proposed amendments to the Land Use Plan Map, land use designations, allowed land uses, or zoning map.

The following is an analysis of how this proposal complies with the requirements for amendments.

#### **1. Consistency with Growth Management Act (GMA), State of Washington Department of Community Trade and Economic Development Procedural Criteria, VISION 2020 or its successor, and the King County Countywide Planning Policies.**

The proposed amendment to the City's sign code is consistent with the Growth Management Act and regional policies.

#### **2. Consistency with Redmond's Comprehensive Plan, including the following sections as applicable:**

**a. Consistency with the goals contained in the Goals, Vision and Framework Policy Element.**

The goals for Redmond include encouraging attractive, high-quality residential neighborhoods and maintaining a safe community. Controlling the size of all temporary signs within the City contributes to visual quality and also prevents traffic problems related to distractions and sight lines along automobile routes.

**b. Consistency with the preferred land use pattern as described in the Land Use Element.**

The proposed amendment does not affect the City's preferred land use pattern.

**c. Consistency with Redmond's community character objectives as described in the Community Character/Historic Preservation Element or elsewhere in the Comprehensive Plan.**

The goals for Redmond include encouraging attractive, high-quality residential neighborhoods. Controlling the size of all temporary signs within the City contributes to visual quality.

**3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources.**

The proposed amendment does not affect the natural environment.

**4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.**

The proposed amendment does not affect the City's public facility and service capacity.

**5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.**

None of the proposed alternatives are expected to have significant economic impacts.

**6. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.**

Not applicable.



**C. RELATIONSHIP TO PENDING AMENDMENTS IN THE 2005-06  
COMPREHENSIVE PLAN PACKAGE**

Not applicable.

**VI. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND  
AGENCY REVIEW**

**A. Subject Matter Jurisdiction**

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed Development Guide Amendment.

**B. Washington State Environmental Policy Act (SEPA)**

A Determination of Non-Significance and SEPA checklist were issued for this non-project action on September 27, 2006.

**C. 60-Day State Agency Review**

State agencies were sent a 60-day notice of these proposed amendments on September 27, 2005.

**D. Public Involvement**

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing.

A public hearing has been scheduled for October 19, 2005. The proposed amendments will be accessible through the City's web site and copies will also be available at City Hall.

**E. Appeals**

RCDG 20F.30.55 identifies Development Guide Amendments as a Type VI permit. Final action is held by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements

**VII. LIST OF EXHIBITS**

**Exhibit A: Alternative 1: Adoption of Current Interim Regulations as Permanent Regulations, with Minor Changes Concerning Hours of Display and Banners**

**Exhibit B: Alternative 2: Adoption of New Regulations Regulating Commercial, Real Estate, and Construction Signs by Zoning District**

**Exhibit C:    Alternative 3: Adoption of Regulations to Regulate the Number of Portable Signs by the Permanent or Temporary Nature of the Commercial Activity**

**Exhibit D:    City Council Ordinance 2254 Adopting Interim Amendments to Redmond's Sign Regulations, March 2005**

**Exhibit E:    City Council Ordinance 2253 Adopting Interim Amendments to Redmond's Sign Regulations, March 2005**

**Exhibit F:    City Council Ordinance Extending the Interim Amendments to Redmond's Sign Regulations, August 2005**

**Exhibit G:    Threshold Determination and SEPA Checklist: To be provided**

\_\_\_\_\_  
Roberta Lewandowski, Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Rhodes, Public Works Director

\_\_\_\_\_  
Date